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CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH
THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN
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26 MAY 2004

Deborah J. Probert

NAME OF PERSON MAILING DOCUMENT

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DATE

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OFFICE OF PETITIONS

Attorney Docket No. P51217

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Meek, *et al.*

26 May 2004

Serial No.: 10/024,808

Group Art Unit No.: 1645

Filed: 19 December 2001

Examiner: Patricia Ann Duffy

For: Methods and Compounds for Modulating the Activity of Bacterial FabG

Commissioner for Patents
Mail Stop Petitions
P.O. Box 1450
Arlington, VA 22313-1450

PETITION TO ACCEPT AN UNINTENTIONAL DELAYED CLAIM FOR PRIORITY
UNDER 35 U.S.C. 119(e)

Applicants received an Office Action in the above-identified application which was mailed on 26 November 2003. As the shortened statutory response time of three months has expired, Applicants enclose herein a copy of a Request for Three Month Extension of Time which has been sent under separate cover to Group Art Unit 1645 on 20 May 2004.

The Priority section of the Office Action notes that Applicants claimed priority to subject matter disclosed in a prior provisional application, however, had failed to include a reference to the prior application by either inserting said reference as the first sentence of the specification, or by amendment. As this application is a utility filed under 35 U.S.C. 111(a) on or after 29 November 2000, the time limit for submitting such an amendment to the prior application has expired. Accordingly, Applicants file this Petition to request acceptance of an unintentional delay in the claim for priority and an amendment inserting said claim for priority as the first sentence of the specification under subsection 35 USC 119(e) of this application.

Pursuant to 35 U.S.C. 119(e) and 37 C.F.R. 1.78(a)(5) , Applicants hereby claim the benefit of United States Provisional Application Serial Number 60/259,595, filed 03 January 2001. This claim to priority was originally noted on the Utility Patent Application Transmittal form filed on 19 December 2001.

In addition, please amend the specification by inserting before the first line:

REFERENCE TO RELATED APPLICATIONS:

This application claims the benefit of United States Provisional Application Serial Number 60/259,595, filed 03 January 2001.

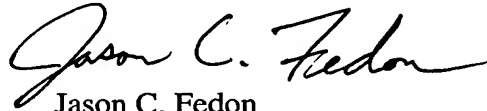
Applicants hereby authorize the United States Patent and Trademark Office to charge Applicants' Deposit Account No. 19-2570 in the amount of \$1,330.00 for the required petition fee, and is authorized to charge any other fees that may be required for this petition to the same deposit account.

Applicants respectfully submit that the entire delay between the date the claim was due under 37 C.F.R. 1.78(a)(5), and the date the claim was filed was unintentional and was done without deceptive intent.

In view of the foregoing remarks, Applicants respectfully request the United States Patent and Trademark Office to grant this Petition and accept the delayed claim for priority. Applicants herein enclose a copy of a Continuation transmittal sheet which was filed in this matter by Express Mail on 26 May 2004. Should the United States Patent Office grant Applicants' enclosed petition, Applicants request that the Petitions branch notify the Office of Initial Patent Examination of the finding.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent which this verified statement is directed.

Respectfully submitted,



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